

REMARKS/ARGUMENTS

Claims 11-16 remain in this application.

Claim 11 has been amended to clarify that the claimed antibody is an isolated antibody and that it binds specifically to the amino acid sequence consisting of SEQ. ID. No. 2. No new matter has been added.

The Rejection Under Section 35 USC 102


Claims 11-16 stand rejected under Section 35 USC 102 as being anticipated by US Patent 6,211,142. The '142 patent discloses compositions comprising Gas6 polypeptides and generally describes antibodies that bind to such compositions.

This rejection is rendered moot by the amendment of claim 11. As currently amended, the claim is directed to an antibody that binds specifically to an amino acid sequence consisting of SEQ ID No. 2. In the last Office Action, the Examiner asserted that the claimed antibodies were not limited to the antibodies that specifically bind to "the amino acid sequence according to SEQ ID No. 2" because the claim language "according to" is open ended and encompasses any polypeptide of any length that has within its sequence the amino acids of SEQ ID No.2 or any portion thereof. Applicants have amended the claim to recite the amino acids "consisting of" SEQ ID No. 2. As stated previously, the '142 patent does not disclose or suggest an antibody that specifically binds to SEQ ID No. 2. The patent generally describes antibodies that bind to gas6 protein but does not describe or suggest antibodies that bind specifically to the amino acid sequence consisting of SEQ ID no 2. The Examiner makes reference to antibodies described in examples 8, 10 and Fig 7, but in fact, these references are to RSE-IgG, a protein fusion product, other fusion products, or antibodies that bind to epitope tags (gD) that are fused to gas6 (See Fig. 7). The only antibodies disclosed are those that bind to the epitope tag, not to the sequences of gas6 and certainly not to the sequences of SEQ ID no 2. Thus, none of these examples discloses or suggest antibodies that bind to a protein consisting of amino acid SEQ ID No. 2. Accordingly, the rejection should be withdrawn.

Serial No. 10/671,019

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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